HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Arbitration Application No.02 of 2004

Bahadur Singh Patni
S/o Sri M. S. Patni
Canal Road
Chandani, Banbassa
District Champawat .....Appicant

Versus

General Manager, Telephones
Bharat Sanchar Nigam Limited
Headquarter, Haldwani,
District Nainital .....Respondents

Hon'ble J. C. S. Rawat, J.

Heard Sri S. S. Chauhan learned counsel for the applicant and Sri B. S. Adhikari learned counsel for the respondent.

The petition under section 11(5)(6) of the Arbitration & Conciliation Act 1996 has been preferred with the prayer to appoint an arbitrator for settlement of the dispute between the parties.

The learned counsel for the applicant contended that he will file the claim before the Arbitrator.

There is a clause in the Arbitration & Conciliation Agreement to appoint an Arbitrator for the settlement of the disputes between the parties.

The applicant gave his building on monthly tenancy to respondent for installing C-Dot Exchange. On 16.1.2001 the applicant wrote a letter to the respondent that the actual agreed monthly rent for building is Rs.4500 w.e.f. 01.10.1997. When the respondent did not pay heed to the application of the applicant, he sent a notice to the respondent on 12.10.2001 with regard to the payment of monthly rent w.e.f. 01.10.1997 to 31.3.1999 @Rs.4500/- instead of Rs.3500/-. Several letters were sent to the opposite party by the applicant with the request either to make the payment as per

claim submitted by the applicant or to settle the dispute between the parties or to appoint an Arbitrator for settlement of the dispute between the parties. Thereafter, the opposite party neither settled the dispute and nor appointed any Arbitrator for settlement of the dispute between the parties.

Therefore, this petition under section 11(5)(6) of the Arbitration & Conciliation Act has been filed before this Court. In exercising the power conferred under section 11 of the Arbitration & Conciliation Act, Mr. Justice Mr. S. K. Agarwal, Former Judge of the Allahabad High Court is appointed as an Arbitrator, who will submit its award within a period of six months.

The petition is disposed of accordingly.

(J.C.S. Rawat, J.)

Dated 15.6.2005

LSR